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Viewing cable 08QUITO90, ECUADOR: CONSTITUENT ASSEMBLY FOCUS UNCLEAR

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Reference ID	Created	Released	Classification	Origin
08QUITO90	2008-01-30 20:27	2011-08-30 01:44	CONFIDENTIAL	Embassy Quito

Appears in these articles:

<http://www.aftenposten.no/spesial/wikileaksdokumenter/article3972823.ece>

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C O N F I D E N T I A L QUITO 000090
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E.O. 12958: DECL: 01/30/2018
TAGS: [PGOV](#) [EFIN](#) [SNAR](#) [KCOR](#) [EC](#)
SUBJECT: ECUADOR: CONSTITUENT ASSEMBLY FOCUS UNCLEAR
REF: A. QUITO 55
[1](#)B. 07 QUITO 2580

Classified By: Ambassador Linda Jewell for reason 1.4 (B, D)

[1](#)1. (SBU) Summary: As the Constituent Assembly reaches the

two-month mark, members are meeting with various interest groups and holding private committee meetings, but have yet to debate publicly any constitutional language. The Assembly has approved six laws or other documents, including the controversial tax reform. President Correa's speech to the Assembly marking his first year in office and the government's denunciation of bribery attempts have been highlights. End Summary

60 DAYS AND COUNTING

¶2. (SBU) Since its inauguration on November 29 in Montecristi, the Constituent Assembly has sometimes appeared more interested in legislating than in drafting a new constitution. So far it has approved the tax reform law (Ref A), three "constituent mandates," and two resolutions. Democratic Left Assembly member and former Finance Minister Diego Borja explained to poloff the differences between these legal instruments: Laws are equivalent to those that the suspended Congress would approve, constituent mandates are approved under an expedited process and last only as long as the Assembly is in session, and resolutions are the Assembly's internal rules.

¶3. (U) The Assembly's legislative and oversight committee is currently analyzing two additional bills submitted by the executive branch. One would regulate land transport, transit, and road safety. The other deals with restructuring management of public finances, including bringing the petroleum funds into the central budget.

¶4. (C) Proud and Sovereign Fatherland (PAIS) political bureau member Augusto Barrera, who is serving as a liaison between the Executive and Assembly on substantive matters, acknowledged to the Ambassador on January 24 that each law the Assembly passes has a political cost. While claiming that 80% of past constituent assemblies in Ecuador have also legislated, he said the government would seek consideration of only a minimum number of laws, namely those necessary for effective governing.

¶5. (SBU) The constituent mandates have addressed diverse topics. One approved mandate regulates salaries in the public sector so they do not exceed that of the President. It sets a monthly ceiling of \$5,000, with the exception of personnel representing Ecuador abroad and "specific strategic jobs." Another mandate suspended the elections of members of congress representing two new provinces, Santo Domingo de los Tsachilas and Santa Elena, until after the official results of the referendum on the new constitution. Ref B described the first constituent (or constitutional) mandate, which affirmed the Assembly's full powers.

INTEREST GROUPS SWARM TO MONTECRISTI

¶6. (C) The work of the Assembly's nine constitutional-drafting committees has centered thus far around consultations with interest groups, plus executive and judicial officials, and private committee discussions. The committees and Assembly leadership have been besieged by requests for meetings on every imaginable constitutional and legislative topic. Several committees are also holding meetings outside of Montecristi to solicit citizen input in specific constitutional areas under their jurisdiction. Barrera mentioned that PAIS was struggling with how to balance being responsive to citizen groups with the need to focus on substance) he cited a recent meeting between a group that believes in UFOs and the Sovereignty committee as an example of how things were out of control to the point of near absurdity.

¶7. (SBU) There are indications that the committees are hard at work debating constitutional issues behind closed doors. For example, after a draft text leaked to the press, PAIS assembly member Betty Amores, the vice president of the Committee on Reform of State Structure and Institutions,

explained during a January 22 television interview that the committee is contemplating a number of changes, including the elimination of the vice presidency and extension of the presidential term from four to six years. Amores stated that the committee had not yet reached a consensus on whether immediate reelection of the president would be allowed under the new constitution.

¶8. (SBU) An encouraging sign of seriousness as well as open-mindedness on at least some issues, the international donor community has been approached for technical assistance in several areas, in most cases by request from ministries working with given committees on specific policies. USAID, for example, has been asked to provide technical assistance on several issues under review by the Environment committee.

CORREA SPEAKS TO ASSEMBLY

¶9. (SBU) On January 15, President Correa delivered a speech to the Constituent Assembly describing his government's accomplishments during his first year in office and detailing ambitious plans for the coming year. Perhaps harking back to his days as a professor, Correa spoke for more than two hours, accompanied by a 133-page PowerPoint presentation. A system for governing through seven regions was among the new proposals. Correa also urged amnesty for several groups involved in protests and release from prison of individuals charged with carrying small amounts of drugs as "mules." Some opposition Assembly members walked out at the start, arguing that the Constitution required that the President's annual speech be delivered to the Congress, not the Assembly.

A WEEK OF CONTROVERSY

¶10. (SBU) Minister of Government Fernando Bustamante and Anticorruption National Secretary Jose Luis Cortazar announced January 22 that a bribery attempt in the Assembly had been discovered. Authorities detained Bolivar Lopez and Cao Lay Munoz after PAIS assembly member and former Anticorruption Secretariat employee Gabriel Rivas claimed that they had offered him USD 3 million to obtain 25 assembly votes against the new constitution and for re-opening Congress.

¶11. (SBU) A video recording that is being used as evidence by the authorities mentions Patriotic Society Party (PSP) Assembly member Julio Logrono, which triggered angry responses from the PSP. During a press conference, Minister Bustamante cast blame on former PSP President Lucio Gutierrez, who categorically denied any involvement in the matter.

COMMENT

¶12. (C) Suspicions that PAIS already has a written constitution in its pocket continue to worry commentators, although PAIS leadership strongly denies it. The government's investigation of acts of corruption implicated the second largest bloc in the Assembly, which in turn gave the latter ammunition to claim political persecution. With the perceived lack of results thus far and with corruption rearing its evil head, the Assembly needs to demonstrate a greater focus on constitution drafting if it is going to retain a wide measure of public support.

JEWELL